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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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32864 7590 02/15/2011 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER JARRETT, SCOTT L	
			ART UNIT 3624	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/815,131	Applicant(s) EHRET ET AL.	
	Examiner SCOTT L. JARRETT	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,11-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's amendment filed January 18, 2011. Applicant's amendment amended claims 7 and 17. Currently claims 1-2, 5-9, 11-13 and 15-21 are pending.

Response to Amendment

2. The Objection to the Title in the previous office action is withdrawn in response to Applicant's amendment to the Title.

The Objection to claim 7 in the previous office action is withdrawn in response to Applicant's amendment to claim 7.

The 35 U.S.C. 112(2) rejection of claims 17-20 in the previous office action is withdrawn in response to Applicant's amendments to claim 17.

Response to Arguments

3. Applicant's arguments filed January 18, 2011 have been fully considered but they are not persuasive. Specifically Applicant argues that the prior art of record fails to teach each and every limitation of the invention, namely Donnelley et al. fails to teach of suggest: receiving a first schedule request for a resource...wherein due to the schedule request the resource has an availability for the requested time period less than 100 percent (Remarks: Last Two Paragraphs, Page 9; Paragraphs 1-3, Page 10); or a second scheduling request (refinement request) specifying that a portion of the requested amount of time is to be scheduled in a specific time slot within the requested

time period (Last Paragraph, Page 10; Paragraph 1, Page 11); or wherein scheduling the remaining portion of the requested time causes the availability of the resource for the remaining portion of the requested time period to be greater than zero and less than 100 percent (Last Two Paragraphs, Page 11; Paragraph 2, Page 12).

Applicant further argues that examiners official notice mischaracterizes and/or misunderstands the claim limitations (Last Paragraph, Page 13; Paragraphs 1-2, Page 13).

In response to Applicant's argument that the prior art of record fails to teach or suggest receiving a resource request the examiner respectfully disagrees.

While the examiner agrees with the that Donnelley et al. teach searching (identifying) and assigning resources to one or more activities/projects using a plurality of criteria such as availability, begin/end times, etc.; examiner notes that the search and assignment of resources to projects is in response to a received request Donnelley et al. called a Technical Assistance Request (TAR; Column 7, Lines 63-65; Figure 1, Element 54) or MAF number (project ID/number) or Task ID wherein each request is assigned a TAR number (Column 9, Lines 49-51) in a database and each resource project assignment includes the request (TAR number; Column 10, Lines 33-38) that the request and assignment (scheduling) are associated with (Column 11, Lines 14-17; Column 16, Line 27-28; Column 17, Lines 33; Figure 1, Element 78; Figure 24; Figure 17, Select TAR button).

The screenshot shows a graphical user interface window titled "Select TAR". The window contains the following elements:

- Two text input fields at the top: "TAR Description:" and "Customer Name:".
- A row of five radio buttons: "Tar #", "Customer", "Description", "B Org", and "S Org".
- Below each radio button is a corresponding text input field.
- Below the radio buttons are two more text input fields labeled "Benefiting Org" and "Supplying Org".
- At the bottom of the window are three buttons: "OK", "Find", and "Exit".

Figure 24

In response to Applicant's argument that the prior art of record fails to teach or suggest that due to the first schedule request the resources availability is less than 100 percent the examiner respectfully disagrees.

Donnelley et al. teaches a system and method wherein resources are schedule (i.e. assigned to projects/activities), based on received scheduling request, and once assigned the resources availability, measured based at least partially on percent time available (% availability), the resources availability both in terms of percent available and his/her calendar (schedule) are updated with the schedule wherein due to the schedule request the resource has an availability for the requested time period less than 100 percent (e.g. between 0-100%; Column 27, Lines 43-51, 57-68; Column 28, Lines 27-32; Column 33, Lines 7-15; partial day - column 12, lines 55-60; Column 15 - lines 30-35; Column 33, Steps 6, 7, 8; Column 34, Step 16; % available - Column 28, Lines 9-15).

Donnelley et al. teach a system and method wherein due to the first schedule request the resource has an availability for the requested time period of less than 100 percent (i.e. search window – Figure 52 below - is also the resource schedule/assignment window which enables the user to define what portion of the time period between the start date and the end date to schedule/assign the resource wherein the following fields enable the user to schedule the resource for portions (i.e. <100%) of the resources available time during the time period - Work Hours ___ to ___; 2 Week repeating pattern (check boxes for one or more days)). Donnelly et al. further teaches schedule 100% of a resources time (i.e. 0% availability; Figure 24 - e.g. #days, contiguous, or putting in work hours equal to a full day of work, or selecting every day in the recurring pattern checkboxes; vacation, holidays, meetings - Column 13, Lines 41-44; column 14, lines 65-68; already assigned to projects/tasks - Column 15, Lines 5-10; Figures 8, 9, 12; fully scheduled days - Column 15 - lines 30-35; schedule conflict - Figure 28-30; Column 21, Lines 53-68; Column 22, Lines 1-8; Column 29, Lines 33-43).

The figure shows a software interface for resource scheduling. At the top, there are labels for 'Profile List' and 'Resource Search'. Below these, there are input fields for 'Start Date' and 'End Date'. A 'Schedule' section contains radio buttons for 'On' and 'Off', and a checkbox for 'Contiguous'. There are also input fields for 'Work Hours' (with 'to' and 'from' sub-labels), 'Total # Hours', and '% Available'. A '2-Week Repeating' section includes checkboxes for days of the week (M, T, W, T, F, S, S). Below these are input fields for 'Organization' and 'Location'. At the bottom, there is a table with columns: 'Skill', 'Skill Name', 'Weight Level', 'Group', and 'Group Name'. The table is currently empty. At the very bottom, there are buttons for 'Save', 'Search', and 'Assign', along with a field for '# Found'.

Figure 52

Donnelley's Figure 17 further details the scheduling of resources (task, calendar events) wherein the user's resource schedule request (calendar entry) enables the resource to be fully scheduled (i.e. 100% reserved 0% available; vacation, holidays, meetings - Column 13, Lines 41-44; column 14, lines 65-68; already assigned to projects/tasks - Column 15, Lines 5-10; Figures 8, 9, 12; fully scheduled days - Column 15 - lines 30-35; schedule conflict - Figure 28-30; Column 21, Lines 53-68; Column 22, Lines 1-8; Column 29, Lines 33-43) as well as partially (portion, less than 100% scheduled, greater than 0% available; Figures 52, 54 - using the 2 week recurring pattern check boxes, flexible schedule/assignment or tentative check boxes; partial days; partial day - Column 12, lines 55-60; Column 15 - lines 30-35; Column 27, Lines 43-51, 57-68; Column 28, Lines 27-32; Column 33, Lines 7-15; tentative - column 13, lines 7-13; Column 18, Lines 19-30; Column 33, Steps 6, 7, 8; Column 34, Step 16; % available - Column 28, Lines 9-15).

The screenshot shows a software interface titled "Add Calendar Entries". The form includes the following fields and controls:

- Name:** A text input field.
- Select MAP:** A button.
- Select Task:** A button.
- Select TASK:** A button.
- Select Course:** A button.
- Select Effort Code:** A button.
- Description:** A text input field.
- Task:** A text input field.
- Effort:** A text input field.
- Begin Date:** A text input field with a "Calendar" button below it.
- End Date:** A text input field with a "Calendar" button below it.
- Begin Time:** A text input field.
- End Time:** A text input field.
- 2-Week Repeating Pattern:** A series of checkboxes for days of the week: ☐ M ☐ T ☐ W ☐ T ☐ F ☐ M ☐ T ☐ W ☐ T ☐ F.
- Comments:** A text input field.
- Telephone #:** A text input field.
- Entered By:** A text input field.
- Personal Matter:** ☐
- Flexible:** ☐
- Tentative (Expiration Date:**)
- Update:** A button.
- Exit:** A button.

Annotations (arrows) point to the "Select Task" button, the "Select TASK" button, the "Begin Date" field, and the "Flexible" checkbox.

Figure 17

While examiner agrees that percent availability is one of a plurality of search criteria used to identify and schedule (assign) resources, the examiner disagrees that that is the only purpose or utilization of the resource's percent availability that is tracked and updated by the system/method.

More to the point, Donnelley clearly teaches identifying and schedule availability of resources (Column 2, Lines 44-59) going so far as to ensure there are no schedule conflicts (i.e. a schedule request that overlaps an existing schedule request/assignment – meaning that the resource is 0 % available or is 100% assigned for at least a portion of the requested time period -- Column 18, Lines 33-40; Column 21, Lines 53-68; Column 22, Lines 1-30; Column 29, Lines 34-45; Figures 28-30) and even go so far as to allow a resources availability (calendar) to be turned on/off when identifying and scheduling a resource (Column 30, Lines 10-27).

Donnelley et al. further teaches tracking and providing the resource's availability using year, month, week and daily calendars which display resources availability for various time periods/slots (wherein the applicant's schedule and availability is highlighted using various shadings/fill-ins; e.g. empty days are indicative of 100% availability; holidays or vacations are indicative of 0% availability, etc.; Column 13, Lines 42-44; Column 15, Lines 3-38; Figures 9, 10, 12).

It is noted that Donnelley's ability to identify available resources, based at least in part on their percent availability, would be inoperable if it did not track and update each resources percent availability. Further what point would Donnelley have including and using resource percent availability when assigning resources if the resources percent

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availability was not tracked or updated as each assignment is created, updated or deleted.

In response to Applicant's argument that the prior art of record fails to teach or suggest a second scheduling request (refinement request) specifying that a portion of the requested amount of time is to be scheduled in a specific time slot within the requested time period the examiner respectfully disagrees.

Donnelley et al. teach a system and method comprising a second scheduling request (refinement request; update or deletion/cancellation of an existing schedule (assignment, calendar event)) specifying that a portion of the requested amount of time is to be scheduled in a specific time slot within the requested time period (i.e. user changes/updates the work hours, 2 week recurring pattern, begin/end date/times, etc.. which in turns refines the original/previous version of the schedule/assignment/calendar entry; assignments have revisions numbers, Column 11, Lines 14-17; deleting/cancelling an assignment removes it from the resources calendar, Column 10, Lines 26-29; Column 17, Lines 13-20; Column 13, Lines 1-8, 25; Column 2, Lines 39-41; Column 3, lines 13-15; Column 17, Lines 7-14; Column 18, Lines 47-50; Column 26, Lines 35-38; Column 29, Lines 9-23; Figure 15 - update button; Figure 17 -update button; Figures 18-20, 24, 54).

Donnelley et al. further teach a second scheduling refinement request in the form of tentative schedules (assignments) wherein tentative assignments are created via a first schedule request (Figures 24, 54) and later refined (confirmed, completed, made

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non-tentative, etc.) via a second resource schedule request (Column 13, Lines 8-12; Column 18, Lines 20-30; Column 29, Lines 60-62; Figure 54).

Donnelley et al. further teach not only refining first scheduling request via a second resource schedule request but also notifying resources (employees) and users (managers) of the schedule refinement requests and subsequent assignments (notification of schedule change; Figures 30; Column 9, Lines 55-58; Column 13, Lines 14-16; Column 22, Lines 22-36).

Assign Employees Update

Project Name:

Start Date: End Date:

Work Hours to Total # Hours # Days ☐ Contiguous

2-Week Repeating ☐ M ☐ T ☐ W ☐ T ☐ F
 Pattern: ☐ M ☐ T ☐ W ☐ T ☐ F

☐ Flexible ☐ Tentative (Expiration Date:)

Figure 54

In response to Applicant's argument that the prior art of record fails to teach or suggest herein scheduling the remaining portion of the requested time causes the availability of the resource for the remaining portion of the requested time period to be greater than zero and less than 100 percent the examiner respectfully disagrees.

As detailed above Donnelley teaches a system and method for identifying and scheduling (assigning) resources to projects (tasks, calendar entries) wherein the assignments render the resource completely unavailable (i.e. 0% availability - vacation, holidays, meetings - column 13, Lines 41-44; column 14, lines 65-68; already assigned to projects/tasks - Column 15, Lines 5-10; Figures 8, 9, 12; fully scheduled days - Column 15 - lines 30-35; schedule conflict - Figure 28-30; Column 21, Lines 53-68; Column 22, Lines 1-8; Column 29, Lines 33-43; Column 26, Lines 31-35); partially unavailable (partial day assignments, assignments less with work hours less than a full day, recurring pattern assignments when not all the days are checked, etc.; partial day - column 12, lines 55-60; Column 15 - lines 30-35; Column 27, Lines 43-51, 57-68; Column 28, Lines 27-32; Column 33, Lines 7-1) or wherein the lack of the assignment (calendar entry, task) means that the resource is fully available (i.e. 100%; e.g. free time on calendar; Figures 8, 9, 12).

As discussed above one of Donnelley et al. key features is to identify available resources wherein availability is at least partially determined by a percent availability between 0 and 100%.

Further it is noted that have a representing a resource's availability as a percentage from 0-100% is old, very well known and widely practiced. The examiner was a project manager in the software development space for over 10 years prior to joining the USPTO and on an almost innumerable number of occasions scheduled resources for a variety of projects wherein the resources availability was tracked, updated and utilized as part of the scheduling process (e.g. resource leveling in

Microsoft Project) to ensure that the scheduled resources where fully booked and more importantly billable.

Additionally it is noted that the fact that the resources availability is between 0 and 100 percent merely non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific percent availability of the resource. Further, the structural elements remain the same regardless of the specific percent availability of the resource. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

In response to Applicant's arguments that the examiner misunderstanding of the claims makes the officially cited facts moot, the examiner respectfully disagrees.

Initially examiner notes that the officially cited fact was directed to the following claim limitation "the second scheduling request specifying that a portion of the requested amount of time is to be scheduled in a specific time slot within the requested time period, the portion of the requested amount of time being *less than the requested amount of time*", emphasis added.

As discussed in detail above Donnelley et al. clearly teaches receiving a schedule scheduling request that refines (modifies, cancels) a first scheduling request (e.g. tentative to non-tentative schedule assignment) wherein the refine request

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(update) clearly enables one to refine any or all of the schedule criteria (begin/end date/times, work hours, 2 week recurring pattern, etc. - see discussion above for details). One skilled in the art would clearly understand and now how to utilize Donnelley et al. refinement capabilities to do one or several finite and predictable operations - increase the portion of time scheduled in the time period, decrease (make less) the portion of time in the schedule time period, delete the schedule (which is inherently less than the first request).

Examiner merely took official notice that one skilled in the art at the time of the invention would know how to and have reason to refine the portion of requested amount of time to be scheduled in the specific time slot (begin/end time/day, 2 week recurring patterns, etc.) to be *less* than the first (original) resource schedule request.

Additionally it is noted that the second resource scheduling (refinement) request lessens the portion of time scheduled from the original resource schedule request merely represents non-functional material (simply data) and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of whether the second resource request increased, lessened or otherwise refined (modify) the first resource schedule request or not. Further, the structural elements remain the same regardless of whether the second resource request increased, lessened or otherwise refined (modify) the first resource schedule request or not. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re*

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Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Further in response to applicant's Applicant(s) attempt at traversing the Official Notice findings as stated in the previous Office Action is inadequate. Adequate traversal is a two step process. First, Applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. 1.111(b) which requires Applicant(s) to specifically point out the supposed errors in the Office Action, Applicant(s) must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art.

In this application Applicant(s) have failed both steps (1) and (2) since they have failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Because Applicant(s)' traversal is inadequate, the Official Notice statement(s) are taken to be admitted as prior art. See MPEP 2144.03.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5-9, 11-13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al., U.S. Patent N. 6,049,776 in view of official notice.

Regarding Claims 1 and 8 Donnelley et al. teach a system and method comprising (Figures 14, 17-20, 52-54; Columns 33-34):

- receiving, at a system, a first scheduling request (e.g. search and assignment) for a resource, the request specifying that the resource is to be scheduled for a requested amount of time (total hours, number of days, etc.; Column 27, Lines 42-68; Column 28, Lines 1-8; Column 33, Numbers 4, 8; Column 34, Numbers 14, 15) sometime within a requested time period (timeframe, start/end time; Column 10, Lines 22-53; Column 12, Lines 48-63; Column 18, Lines 6-10; Column 27, Lines 12-16; Column 34, Number 14), the request amount of time being less than a maximum time that the resource is usable (available, has capacity, etc.; employee calendar, restrictions, default working days/times; Column 12, Lines 58-62; Column 33, Lines 1-5; Numbers 6, 7, 8; Column 34, Number 16) and the resource has an availability (usage, capacity, utilization, etc.) less than 100 percent (full, at capacity, full reserved/booked,

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etc.; available days, partial day; Figures 8-12; Column 15, Lines 30-35; Column 28, Lines 10-15; Column 34, Numbers 15, 16);

- receiving, at a system, a second scheduling request (e.g. update schedule assignment or change tentative assignment/commitment to actual/scheduled) to for the resource that refines (updates, revises, changes, modifies, etc.) the first scheduling request (Column 10, Lines 37-53; Column 13, Lines 7-14; Column 14, Lines 65-68; Column 16, Lines 57-60; Column 19, Lines 1-3; Figures 8, 17, 54), the second request specifying that a portion of the requested amount of time be scheduled in a specific time slot (day, time, range, etc.) within the requested time period, the portion being less than the requested amount of time;

- scheduling, by the system, in an electronic schedule the portion of the requested amount of time in the specific time slot (day, month, year) such that it causes the available of the resource for the specific time slot to be zero percent (i.e. fully booked/reserved/utilized, no longer available; scheduled, % Availability = 0%; Column 15, Lines 3-68; Column 26, Lines 33-35; Column 29, Lines 19-21, 34-43; Figures 8-13, 44);

- scheduling, by the system, in an electronic schedule a remaining portion of the requested amount of time within the requested time period, except within the specific timeslot; such that the resource's availability for a remaining portion of the requested time period is between 0 and 100 percent (e.g. partial days, % availability; Column 12, Line 58; Column 15, Lines 3-9, 31-35; Column 26, Lines 33-35; Column 28, Lines 9-15;

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Column 29, Lines 19-21, 34-43; Column 32, Lines 65-68; Column 33, Lines 1-5; Figures 8-13, 44).

Donnelley et al. does not expressly limit the refining the first request to refinements that only shorten (a portion) the first resource request as claimed. Specifically Donnelley et al. does not expressly teach that the *portion being less than the requested amount of time*.

Official notice is taken that updating/refining resource requests such that the update/refinement shortens, lengthens or leaves the duration/length) portion of the original (first) resource request is old and very well know.

The examiner project managed a plurality of information technology consulting projects and as such personally experience well prior to the filing of the instant application the refinement of resource requests both before/after the sale of the engagement, during execution of the engagement or the like. On several occasions assignments for which I was tasked had their duration/length shorten due to a plurality drivers including such drivers as budget, timing and the like.

Additionally support for this well known fact can be found in at least the following references (Miller, U.S. Patent NO. 5,408,663; Collins et al., U.S. Patent No. 5,623,404 and Lesaint et al., U.S. Patent No. 6,578,005).

It would have been obvious to one skilled in the art at the time of the invention that the system and method as taught by Donnelley et al., with its ability to refine any portion of a resource request (e.g. making the request smaller, larger or leaving it the same) would have benefited from the second request specifying that a portion of the requested amount of time be scheduled in a specific time slot (day, time, range, etc.) within the requested time period, the *portion being less than the requested amount of time* in view of the teachings of official notice, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Further since there are a finite number of identified, predictable potential solutions (i.e., the need to refine resource requests to make them shorter or longer) to the recognized need and one of ordinary skill in the art would have pursued the known potential solutions with a reasonable expectation of success.

Regarding Claim 2 Donnelley et al. teach a system and method wherein the resource is a person, machine, tool or workstation (Abstract; Figures 14, 17-20, 53-54).

Further it is noted that the intended use and/or the specific resource being requested merely recites non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific type of

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resource requested. Further, the structural elements remain the same regardless of the specific type of resource requested. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.

Regarding Claim 5 Donnelley et al. teach a system and method wherein the first scheduling request specifies that the resource be scheduled for a predetermined number of hours (number of hours, total number of hours; Figures 17-20, 53-54; Column 35 Numbers 2, 6; Column 34, Numbers 14, 15; Column 33, Lines 1-15, Number 5; Column 28, Lines 3-9; Column 27, Lines 57-68) within a time period that includes a specific time range (Column 33, Numbers 5, 6, 7; Column 34, Numbers 14, 15, 16; Column 35, Number 5; Column 27, Lines 12-17).

Regarding Claim 6 Donnelley et al. teach a system and method wherein the second scheduling request includes requesting that a portion of the predetermined number of hours from the first request be scheduled for the specific time slot on a specific date within the date range (Figures 17-20, 52-54; Columns 33-34; Column 27, Lines 11-16, 43-52, 58-68; Column 26, Lines 40-65).

Regarding Claim 7 Donnelley et al. teach a system and method wherein the scheduling is done to determine a utilization (availability) of a resource (Abstract; Figures 8-13, 52; Column 15, Lines 3-55).

Regarding Claims 9 and 11 Donnelley et al. teach a system and method further comprising a resource planning application (software, routine, code, etc.) to receive all time slots in which the resource is usable (available, has capacity, not booked, etc.; Figures 8-13, 52; Column 15, Lines 3-55) within the requested time slots, the usable/availability information stored in a database (Column 2, Lines 52-55; Column 9, Lines 26, 44; Figures 1, 2).

Regarding Claim 12 Donnelley et al. teach a system and method further wherein the resource's availability information is maintained as a set of time intervals (days, hours, months, shifts, etc.) in the database (Figures 1, 2, 8-13).

Regarding Claim 13 Donnelley et al. teach a system and method further comprising: referring, by the system, to the resource's availability to verify the availability of the resource for a specific time slot on a specific data is sufficient for the second scheduling request (e.g. conflict resolution/notification; availability search/assignment; Column 18, Lines 30-43; Column 21, Lines 50-68; Column 22, Lines 1-8; Columns 33-34; Figures 28, 29).

Regarding Claims 15 and 16 Donnelley et al. teach a system and method wherein the first/second scheduling requests are received from the same source (e.g. resource managers; Figures 3, 7-20, 52-54; Abstract; Column 12, Lines 45-68; Column 14, Lines 56-68).

Regarding Claims 17 and 19 Donnelley et al. teach a system and method wherein the first request comprises a non-concrete (unconfirmed, proposed, tentative, subjective, forecasted, promised, potential, temporary, draft, etc.) scheduling request that causes the resource to be non-concretely (tentatively, placeholder, etc.) reserved (scheduled, booked, etc.) to perform a specific task (work, effort, activity) for the request amount of time anytime within the request time period (frame; Figures 14, 17-20, 54; Column 10, Lines 35-38, 49-54; Column 13, Lines 8-13; Column 19, Lines 1-3).

Regarding Claims 18 and 20 Donnelley et al. teach a system and method wherein the second resource request comprises a concrete (confirmed, approved, final, settled, etc.) scheduling request that causes the non-concrete request to be refined (updated, changed, modified, etc.) such that resource is concretely reserved (booked, scheduled, allocated, etc.) to perform a portion of the specific task within the specific time period (Figures 14, 17-20, 54; Column 10, Lines 35-38, 49-54; Column 13, Lines 8-13; Column 19, Lines 1-3).

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Regarding Claim 21 Donnelley et al. teach a system and method wherein the first scheduling request is for the resource to perform a specific task (assignment, job, activity, work, course, etc.) and the second scheduling request specifies that a portion of the requested amount of time for the resource to perform the task is to be scheduled in the specific time slot within the requested time period (Figures 23, 53, 54; Column 17, Lines 43-49; Column 29, Lines 10-22).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571.272.6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3624